

REMARKS**I. Status of the Claims:**

Claims 43-46 are currently pending.

II. Rejection Under 35 U.S.C. §112:

Claim 43-46 have been rejected under 35 U.S.C. §112, second paragraph, as being allegedly indefinite. In particular, the Examiner alleges on page 3 of the Office Action that the relationship between two phrases found in independent claims 43 and 46 is unclear. These phrases are “information for decoding the encrypted data” and “information indicating a watching and listening unit time”. Applicant respectfully disagrees with these rejections for the following reasons.

These phrases appear to clearly specify distinct items of “information”. For instance, claims 43 and 46 both recite “transmitting *information for decoding the encrypted data* to the receiving side, in accordance with a request from the receiving side issued on the basis of *the information indicating the watching and listening unit time.*” Therefore, claims 43 and 46 appear to present a clear and distinct relationship between the information specified by these phrases. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

II. Rejection Under 35 U.S.C. §102:

Claims 43-46 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 5,999,623 to Bowman et al. (“Bowman”).

Bowman has a filing date of November 5, 1997 which is later than the foreign priority date of November 29, 1996 of the present application. Thus, Bowman is not believed to be prior art. Applicant is currently in the process of obtaining an English translation of the priority document (i.e., Japanese Application No. 8-319502) to perfect the claim to priority in this application and will file the translation in due course.

In view of the foregoing, claims 43-46 are neither anticipated by Bowman nor rendered obvious by the same. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.


AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-4396US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 1232-4396US1. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,
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